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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/383,775	08/26/1999	MARC IRA LIPTON	A00404-1	7026

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GENERAL NUMBER 00757
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EXAMINER

SWERDLOW, DANIEL

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/383,775

Applicant(s)

LIPTON ET AL. 4

Examiner

Daniel Swerdlow

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-63 and 65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-63 and 65 is/are rejected.
- 7) ☒ Claim(s) 52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 February 2004 has been entered.

Drawings

2. The drawings were received on 2 March 2004. These drawings are acceptable.

Claim Objections

3. Claim 52 is objected to because of the following informalities: The first word of the claim begins with a lower-case letter. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 46 through 63 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over David et al. (US Patent 6,069,943) in view of Meyer, Jr. et al. (US Patent 5,588,041).

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6. Regarding Claim 46, David discloses: a telephone (Fig. 7, reference 80; column 7, lines 35-43) having a handset, a handset-receiving portion and a speakerphone (i.e., hands-free audio interface); using the speakerphone to participate in a teleconference (i.e., while the handset is received by the handset-receiving portion, communicating audio input and audio output of a telephone call via the hands-free audio interface) (column 3, lines 45-54); and muting the transmit portion of the conference call (i.e., the audio input) (column 4, lines 31-32), continuing to hear the conference on the speakerphone (i.e., maintaining to communicate the audio output of the telephone call via the hands-free audio interface) (column 4, lines 38-39) and assigning the transmit path to the collaborative call from the handset microphone (i.e., communicating a second audio input via the handset) (column 4, lines 33-34). Therefore, David anticipates all elements except that David controls the transition from teleconference to collaborative mode using a collaborative call key on the telephone set (column 4, lines 28-30) instead of by removing the handset from the handset-receiving portion as claimed. Meyer discloses control of speakerphone operating mode determined by whether the handset is removed from a hangup-cup (i.e., handset receiving portion) (column 11, lines 7-19). In addition, Meyer teaches that handset position-based control of speakerphone operating mode is desirable because “the user is able to direct his/her attention to other actions being performed simultaneously”. As such, it would have been obvious to one skilled in the art at the time of the invention to apply handset position-based control of speakerphone operating mode as taught by Meyer to the telephone taught by David for the purpose of reducing user distraction.

7. Regarding Claim 47, David further discloses release of the collaborative call (column 5, lines 10-15) with both speakerphone paths becoming active (i.e., unmuting the audio input to the

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telephone call via the hands-free audio interface). Therefore, the combination of David and Meyer has been shown to make obvious all elements of Claim 46 except that David controls the return from collaborative to teleconference mode using the standard release mechanism on the telephone set (column 5, lines 10-15). Meyer discloses control of speakerphone operating mode by both removal and replacement of handset (column 11, lines 7-19). It would have been obvious to one skilled in the art at the time of the invention to apply handset position-based control of speakerphone operating mode as taught by Meyer to the telephone taught by David for the purpose of reducing user distraction.

8. Claim 48 is essentially similar to Claim 46 and is rejected on the same grounds. Claim 48 explicitly claims a sensor to sense if the handset is removed from the handset-receiving portion. Meyer discloses a handset sensing device (Fig. 3, reference 317; column 8, lines 14-23) that corresponds to the sensor claimed.

9. Claim 49 is essentially similar to Claim 47 and is rejected on the same grounds.

10. Claim 50 claims an article of manufacture comprising computer-readable storage medium storing data to direct the performance of the method of Claim 46. As stated above apropos of Claim 46, the combination of David and Meyer makes obvious all elements of that claim. In addition, David discloses control by a microprocessor running firmware code stored in read-only memory. (Fig. 1, reference 22; column 3, lines 29-33). Therefore, the combination makes obvious all elements of Claim 50.

11. Regarding Claim 51, David further discloses release of the collaborative call (column 5, lines 10-15) with both speakerphone paths becoming active (i.e., unmuting the audio input to the telephone call via the hands-free audio interface). Therefore, the combination of David and

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Meyer has been shown to make obvious all elements of Claim 51 except that David controls the return from collaborative to teleconference mode using the standard release mechanism on the telephone set (column 5, lines 10-15). Meyer discloses control of speakerphone operating mode by both removal and replacement of handset (column 11, lines 7-19). It would have been obvious to one skilled in the art at the time of the invention to apply handset position-based control of speakerphone operating mode as taught by Meyer to the telephone taught by David for the purpose of reducing user distraction.

12. Claim 52 is essentially similar to Claim 47 and is rejected on the same grounds.

13. Claim 53 is essentially similar to Claim 47 and is rejected on the same grounds. Claim 53 explicitly claims a sensor to sense if the handset is removed from the handset-receiving portion. Meyer discloses a handset sensing device (Fig. 3, reference 317; column 8, lines 14-23) that corresponds to the sensor claimed.

14. Claim 54 claims an article of manufacture comprising computer-readable storage medium storing data to direct the performance of the method of Claim 47. As stated above apropos of Claim 47, the combination of David and Meyer makes obvious all elements of that claim. In addition, David discloses control by a microprocessor running firmware code stored in read-only memory. (Fig. 1, reference 22; column 3, lines 29-33). Therefore, the combination makes obvious all elements of Claim 54.

15. Regarding Claims 55 and 56, all elements of Claims 55 and 56 are comprehended by Claim 53. As such, Claims 55 and 56 are rejected on the same grounds as Claim 53.

16. Regarding Claims 57 and 58, all elements of Claims 57 and 58 are comprehended by Claim 53. As such, Claims 57 and 58 are rejected on the same grounds as Claim 53.

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17. Claims 59 and 60 claim an article of manufacture comprising computer-readable storage medium storing data to direct the performance of the method of Claims 55 and 56, respectively.

As stated above apropos of Claims 59 and 60, the combination of David and Meyer makes obvious all elements of those claims. In addition, David discloses control by a microprocessor running firmware code stored in read-only memory. (Fig. 1, reference 22; column 3, lines 29-33). Therefore, the combination makes obvious all elements of Claims 59 and 60.

18. Claim 61 is essentially similar to Claim 56 and is rejected on the same grounds.

19. Claim 62 is essentially similar to Claim 58 and is rejected on the same grounds.

20. Claim 63 claims an article of manufacture comprising computer-readable storage medium storing data to direct the performance of the method of Claim 61. As stated above apropos of Claim 61, the combination of David and Meyer makes obvious all elements of that claim. In addition, David discloses control by a microprocessor running firmware code stored in read-only memory. (Fig. 1, reference 22; column 3, lines 29-33). Therefore, the combination makes obvious all elements of Claim 63.

21. Regarding Claim 65, David further discloses switching a second receive path to (i.e., communicating a second audio output via) the handset (column 4, lines 35-36).

Response to Arguments

22. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

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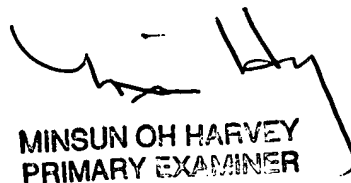
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 703-305-4088. The examiner can normally be reached on Monday through Friday between 8:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forrester Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ds


MINSUN OH HARVEY
PRIMARY EXAMINER